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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,309	09/02/2003	Patrick Pak-Chiu Leung	2705-0735	4378
73552	7590	10/16/2008	EXAMINER	
Stolowitz Ford Cowger LLP			BHATTACHARYA, SAM	
621 SW Morrison St			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,309	LEUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SAM BHATTACHARYA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 June 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-40 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallstrom et al. (US 20040192352) in view of Angelo et al. (US 2003/0064731) and Montz et al. (US 2003/0235163).

Regarding claim 1, Vallstrom discloses a method for dynamic configuration of a mobile access point 10, the determining a position of the mobile access point, identifying a region based on the position, and automatically updating configuration information associated with an application of the mobile access point based on the region, wherein the configuration information is for configuring wireless communications for the mobile access point within the region. See FIG. 1 and paragraph [0050], lines 1-14.

Vallstrom fails to disclose comparing a region with a previous position of the mobile access point to determine if the mobile access point has been moved to the region, wherein the configuration information is different than a previous configuration associated with the previous position.

However, in an analogous art, Angelo discloses these features in claim 29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Vallstrom by incorporating these features in Angelo for the purpose of

allowing enhanced communication and allowing users of various fixed and portable communication devices to be informed of the location of the mobile access point.

Vallstrom-Angelo fails to disclose routing data packets comprising the wireless communication, wherein the mobile access point routes the data packets between the wireless client device and the distributed computer network.

However, in an analogous art, Montz discloses routing data packets comprising the wireless communication, wherein a mobile access point 20 routes the data packets between a wireless client device 18 and the distributed computer network 21. See FIG. 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Vallstrom-Angelo by incorporating these features in Angelo for the purpose of facilitating communication of internet-based data, such as purchased songs.

Regarding claim 2, Vallstrom discloses that the mobile access point 10 is a router since the mobile access point routes signals among different servers. See FIG. 4.

Regarding claim 3, Vallstrom discloses that the mobile access point communicates by a wireless connection to a distributed computer network 33,34 in the region using mobile internet protocol (IP). See FIG. 2 and paragraph [0038], lines 1-22.

Regarding claim 4, Vallstrom discloses that mobile access point is configured to use an OSI network layer to route the data packets.

Regarding claim 5, Vallstrom discloses that the application is a transceiver providing communication over a wireless connection 11. See FIG. 1.

Regarding claim 6, Vallstrom discloses that the configuration information includes a radio frequency, a maximum conducted power output, and a maximum antenna gain. See paragraph [0029], lines 1-9.

Regarding claim 7, Vallstrom discloses that the determining the position is performed periodically according to a predetermined time period. See paragraph [0029], lines 33-41.

Regarding claim 8, Vallstrom discloses that the position determination system is a global positioning system (GPS) system. See paragraph [0029], lines 33-37.

Regarding claim 9, Vallstrom discloses that the application operates at an application layer of a protocol stack of the mobile access point via application server 30. See paragraph [0030], lines 1-5.

Regarding claim 10, Vallstrom discloses that the configuration information is selected from a group consisting of: language, routing protocol, service provider, management protocol, telephone number, identification of entity for managing the mobile access point. See paragraph [0038], lines 1-22.

Regarding claim 11, Vallstrom discloses a mobile access point 10 including a processor 10A for updating configuration information in response to a geographic position, wherein the configuration information is for configuring wireless communications for the mobile access point within the region; a transceiver 10B coupled to the processor, the transceiver associated with the configuration information and communicatively coupled to a distributed computer network 33,34 over a wireless connection 11; a memory unit 10G coupled to the processor, the memory unit including the configuration information associated with the transceiver for a plurality of regions; and a position determination system 10E coupled to the processor, the

position determination system for identifying the geographic position of the mobile access point. See FIGS. 1 and 2, and paragraph [0050], lines 1-14.

Vallstrom fails to disclose that the mobile access point is operable to provide a point of connection for wireless communications between a distributed computer network and a wireless client device and the configuration information includes an updated radio frequency for transmitting wireless communications between the distributed computer network and a wireless client device.

However, in an analogous art, Angelo discloses these features in claims 19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Vallstrom by incorporating these features in Angelo for the purpose of allowing enhanced communication and allowing users of various fixed and portable communication devices to be informed of the location of the mobile access point.

Vallstrom-Angelo fails to disclose that the mobile access point is further operable to provide routing capability for routing data packets from the wireless client device to the distributed network.

However, in an analogous art, Montz discloses routing data packets comprising the wireless communication, wherein a mobile access point 20 routes the data packets between a wireless client device 18 and the distributed computer network 21. See FIG. 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Vallstrom-Angelo by incorporating these features in Angelo for the purpose of facilitating communication of internet-based data, such as purchased songs.

Regarding claim 12, Vallstrom discloses a router configured to use an OSI network layer to route the data packets. See paragraph [0047], lines 1-14.

Claim 13 incorporates the limitations of claims 3 and 11, and is therefore rejected for the same reasons as claims 3 and 11.

Claim 14 incorporates the limitations of claims 6 and 11, and is therefore rejected for the same reasons as claims 6 and 11.

Claim 15 incorporates the limitations of claims 7 and 11, and is therefore rejected for the same reasons as claims 7 and 11.

Regarding claims 16 and 17, Vallstrom discloses that the memory unit 10G includes second configuration information of an application for a second plurality of regions, where the processor is operable to update the second configuration information in response to the geographic position. See paragraph [0039], lines 1-16.

Claim 18 incorporates the limitations of claims 8 and 11, and is therefore rejected for the same reasons as claims 8 and 11.

Claim 19 incorporates the limitations of claims 9 and 11, and is therefore rejected for the same reasons as claims 9 and 11.

Claim 20 incorporates the limitations of claims 10 and 11, and is therefore rejected for the same reasons as claims 10 and 11.

configuration information is selected from a group consisting of: language, routing protocol, service provider, management protocol, telephone number, identification of entity for managing the mobile access point.

Claims 21-30 correspond to claims 1-10, and are therefore rejected for the same reasons as claims 1-10.

Claims 31-40 correspond to claims 1-10, and are therefore rejected for the same reasons as claims 1-10.

***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571)272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Primary Examiner, Art Unit 2617